



U.S. DEPARTMENT of STATE

Guyana

Country Reports on Human Rights Practices - [2004](#)

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The Co-operative Republic of Guyana has a multiparty political system based on proportional representation. Voters indirectly elect the President to a 5-year term of office. The President appoints a prime minister and a cabinet. In March 2001, citizens voted in a generally free and fair national election to reelect the People's Progressive Party (PPP) and its Civic (C) partner. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. Social unrest and occasional violence marred the post-election period, with the main opposition party alleging that election procedures violated the Constitution. Despite some technical problems, international observers considered the elections free and fair. The country's two major political parties were based predominantly along ethnic lines, with demography favoring the Indo-Guyanese dominated PPP/C. The judiciary, although constitutionally independent, was inefficient and often appeared subject to the influence of the executive branch.

The Guyana Defense Force (GDF) is a professional military responsible for national defense, internal security, and emergency response. The GDF reports directly to the Minister of Defence who is the President. The Defense Board, chaired by the President, has oversight responsibility for the GDF. The Guyana Police Force (GPF), which reports to the Ministry of Home Affairs, has the authority to make arrests and is responsible for maintaining law and order throughout the country. The civilian authorities maintained effective control of the security forces. Some members of the security forces allegedly committed human rights abuses.

The economy was based on a mix of private and state enterprises. The 2000 census registered a population of 749,000. Primary agricultural and mineral products (rice, sugar, bauxite, gold, fish, and timber) dominated the economy. There were severe shortages of skilled labor, and the economy was constrained by an inadequate and poorly maintained infrastructure for transportation, power distribution, flood control, and communications. Government estimates placed real economic growth at 2.5 percent during the year. Inflation was low; however, the latest (2001) U.N. Development Program (UNDP) living conditions survey showed that 35 percent of the population lived in poverty.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Human rights groups and the media asserted that the police continued to commit unlawful killings, and police abuse of suspects continued to be a problem. The authorities took some steps to investigate abuses, but pledges to reform the operations of the police have yet to yield definitive results. Prison conditions remained poor, and lengthy pretrial detention continued to be a problem. Judicial system inefficiencies resulted in long delays in trials. Police infringed on citizens' privacy rights. Violence against women and children; trafficking in persons; societal discrimination against women, indigenous Amerindians, and persons living with HIV/AIDS; incidents of discrimination stemming from the racial tensions between Indo-Guyanese and Afro-Guyanese; and child labor in the informal sector were all problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, human rights groups asserted that police continued to commit unlawful killings. In most cases, the police shot the victims while attempting to arrest them or while a crime was being committed. Although police were seldom prosecuted for unlawful killings, the new Commissioner of Police has brought charges against officers implicated in such abuses and has instigated greater efforts to investigate and hold police officers accountable. The Constitution broadly defines justifiable use of lethal force.

On April 24, Sherman George was shot and killed by a plain-clothes policeman. Police maintained that George pulled out a toy gun and that the policeman was forced to fire. The family claimed that the gun was planted at the scene, and others said that the man was raising his arms to surrender.

On September 7, Curtis Lorenzo was shot and killed after escaping from the Mahdia lock-up where he was incarcerated pending charges of abduction and rape of a minor. The officer reportedly fired the fatal shot accidentally. An inquiry remained pending.

On September 8, police shot and killed accused murderer Kelvin Nero as he was walking on the street. Witnesses claimed that police fired three shots; some accounts related that Nero was first shot in the leg, then beaten, and then shot two more times. An investigation was launched.

A preliminary inquiry determined that two officers charged with the 2003 killing of University of Guyana student Yohance Douglas should stand trial for his murder. No trial date has yet been set, and one officer has appealed the decision to stand trial.

There were no new developments in the allegations of wrongdoing related to the killings by police in previous years, including the police shootings of Errol Immanuel, Charles Hinckson and Marlon Wilson, and the beating death of Albert Hopkinson, all in 2003.

Some killings, such as the January 5 killing of Shafeek Bacchus and the June 24 killing of George Bacchus, were attributed to an organized hit squad that originated as a vigilante response to the 2002-03 crime wave. Prior to his death, George Bacchus alleged that he had been a member of the so-called Phantom Squad and that Home Affairs Minister Ronald Gajraj directed the group. In July, Minister Gajraj went on leave to facilitate the work of a Commission of Inquiry regarding these allegations, and the inquiry remained ongoing at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

In April, an Iranian Shiite cleric and teacher, Mohammad Hassan Ebrahimi, was kidnapped at his school; he was then killed, and his body was recovered in May. No ransom was demanded, and the GPF's investigation has not determined a motive for the crime.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and there were no reports of its use; however, allegations of police abuse of suspects continued. The GHRA continued to consider mistreatment of prisoners by prison officers a problem.

Many legal authorities and human rights activists stated that due to high crime and pressure from urban businesses, which were often the targets of criminals, the Government did not actively pursue investigations of alleged police abuses. Fear of reprisals also limited citizen reporting of police abuses.

Prison and jail conditions were poor, particularly in police holding cells. Georgetown's Camp Street Prison, the country's largest, was overcrowded. The Prison Authority reported that there were 1,157 inmates in the 5 facilities in the system, nearly half of whom were in the Camp Street Prison. According to prison officials, the facility was intended to hold 500 inmates; however, the Guyana Human Rights Association (GHRA) stated that the Camp Street Prison initially was designed to hold 350 inmates. Conditions in the country's four smaller prisons generally were adequate. Some of the prisons were staffed with medical personnel whose training fell somewhere between that of a nurse and a doctor. GHRA continued to advocate improved health care in the prison system.

Although sanitary and medical conditions in police station temporary holding facilities varied, in almost all cases, these conditions were worse than those in the prisons. Some jails were bare, overcrowded, and damp. Few had beds, washbasins, furniture, or utensils. Meals normally were inadequate; friends and relatives routinely had to bring detainees food and water. Cells rarely had sanitary facilities, and staff members sometimes escorted inmates outside the cells to use holes in the floor for toilets. Inmates generally slept on a thin pallet on the concrete floor. The Brickdam lockup in Georgetown had poor sanitation and dangerous conditions. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as 2 years, waiting for the overburdened judicial system to act on their cases.

At least one inmate died while in police custody. On July 7, Kellowan Etwaroo was found dead in his cell at the La Grange Police Station. Etwaroo's wife discovered his body at the police station. The autopsy confirmed that Etwaroo died as a result of massive head injuries; there were reports that he had been banging his head against the wall for many hours.

The only women's prison is in New Amsterdam. Men and women were held separately in dormitory-type buildings. Conditions at the prison generally were adequate; however, security for prisoners was lax. Prisoners had access to knives, long knitting needles, and machetes. There were incidents of prisoners attacking other prisoners, including one case where a female foreign prisoner was stabbed and received life-threatening wounds. She was then returned to the same cell, with no additional protection.

Police continued to place juvenile offenders in a fairly adequate separate facility; however, female juvenile offenders were held with adult female prisoners.

Pretrial detainees were held separately from convicted prisoners. Some special watch/high profile pretrial detainees were kept in security divisions also occupied by convicted prisoners.

The Government permitted independent monitoring of prison conditions, but there were no known requests to conduct such monitoring during the year. Consular interviews with prisoners took place in the presence of prison guards.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The GPF is a centralized, military-style organization. There are seven regional districts, but all criminal investigations operated out of headquarters in Georgetown. Two specialized units with no clearly defined mandate, the Tactical Services Unit and the Quick Reaction Group, were disbanded during the year. The Special Constabulary received the same training as the regular police but focused mainly on guard duty for cabinet ministers and certain government facilities. The GPF made use of operational training offered through international cooperation agreements. The GPF included a basic human rights course in their recruit-training program, and the GHRA participated in most training programs.

Poor training, poor equipment, and acute budgetary constraints severely limited the effectiveness of the GPF. Public confidence and cooperation with the police remained extremely low. The Commissioner of Police appointed in February increased the number and visibility of police on the streets. There were reports of corruption in the police and a lack of police accountability, although the new Commissioner took steps to address both issues. Nevertheless, most cases involving charges against police officers were heard by lower magistrate courts, where other specially trained police officers served as the prosecutors. The Bar Association questioned officers' commitment to prosecute their own colleagues and recommended that for serious cases the Office of the Director of Public Prosecutions should handle prosecutions.

The Police Complaints Authority (PCA) was composed of five members who investigated complaints against police officers. The law provides for the independence of the PCA; however, an appointment system drawing heavily from retired judges fostered a reluctance to take controversial or decisive action. A lack of adequate powers for independent investigation limited the effectiveness of the PCA. The Office of Professional Responsibility also investigated complaints against the police.

The 2003 Disciplined Forces Commission report on the operations of the security services was completed during the year; its recommendations remained under parliamentary consideration.

Arrest does not require a warrant issued by a court official. Police may arrest without a warrant when an officer witnesses a crime or at the officer's discretion in instances where there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 24 hours be brought before a court to be charged, and this was generally observed in practice. Bail was generally available, except in capital offense cases. In narcotics cases, magistrates limited discretion in granting bail before trial and are required to remand persons convicted of such crimes into custody, even if an appeal is pending.

The law provides criminal detainees the right to access to a lawyer of their choice family, as well as access to family members; however, in practice, these rights were not fully respected. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to their client. There were reports that senior officers refused to grant prompt access to prisoners, as the law requires.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and lengthy legal procedures, remained a problem.

The Government did not detain persons on political grounds, although supporters of Mark Benschop, a talk show host held on charges of treason, considered him to be a political detainee (see Section 2.a.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, some law enforcement officials and prominent lawyers accused the Government of occasional judicial intervention in civil cases involving judgments against the Government.

The court system is composed of a high court (the Supreme Court of Judicature), an appeals court, and a system of magistrate courts. Magistrates were members of the civil service and were trained lawyers. The magistrate courts deal with both criminal and civil matters, and specially trained police officers serve as prosecutors in lower magistrate courts. The Ministry of Legal Affairs, normally headed by the Attorney General, is the principal legal advisor to the State. The Director of Public Prosecution is statutorily independent and may file legal charges against offenders. The Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law, and this right generally was respected in practice.

Delays and inefficiency characterized the judicial process and undermined due process. Delays in judicial proceedings were

caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional alleged acts of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial.

The JSC has the authority to appoint judges and determine tenure and has the power to appoint the Director and Deputy Director of Public Prosecutions. The President, on the advice of the JSC, may make temporary appointments of judges to sit in magistrate courts and on the High Court.

The long-delayed formation of the Public Service Commission in December 2003 led to reconstituting the other constitutional service commissions and resumption of appointments and promotions in the judiciary and magistracy.

Defendants are granted public trials, and appeals may be made to higher courts. Defendants are presumed innocent until found guilty. Cases in magistrate's courts are tried without jury; more serious cases are tried by jury in the High Court. Appeals of some murder cases may go on for several years. Trial postponements were granted routinely to both the defense and the prosecution. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts had only a limited effect. Introduction of court mediation in late 2003 generated significant interest among legal practitioners, and the Alternative Dispute Resolution Center has begun to reduce the court backlog.

Although the law recognizes the right to legal counsel, in practice, with the exception of cases involving capital crimes, it was limited to those who could afford to pay. There was no public defender system, but defendants in murder cases who needed a lawyer were assigned an attorney by the court.

The Georgetown Legal Aid Clinic, with public and private support, provided advice to persons who could not afford a lawyer, with a special interest in cases of violence against women and criminal cases related to civil cases (for example, assault as part of a divorce case).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the authorities sometimes infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, there were reports that police officers searched homes without warrants, particularly in neighborhoods where narcotics trafficking was suspected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. Citizens could openly criticize the Government and its policies.

The independent Stabroek News and Kaieteur News published daily, and a wide range of religious groups, political parties, and journalists published a variety of privately owned weekly newspapers. The independent media were active and expressed a wide variety of views without restriction. International media were allowed to operate freely. The Government's daily newspaper, the Guyana Chronicle, which typically displayed an anti-opposition bias, covered a broad spectrum of political and nongovernmental groups. There were no reports of prior restraint of media reporting.

Talk show host Mark Benshop, arrested in 2002 on charges of treason for his role in the July 2002 storming of the Presidential Office Complex, went to trial in November. Long pre-trial incarceration was characteristic of the judicial system, and there was no indication of a political motivation in delaying this trial.

Government limits on licensing and expansion constrained the broadcast media. The Government owned and operated the country's sole radio station, which broadcast on three frequencies. There were no private radio stations, and private interests continued to criticize the Government for its failure to approve requests for radio frequency authorizations. The Government stated that no new radio or television licenses will be granted and no extensions of broadcast service will be approved pending passage of a new broadcast law, which a political stalemate has prevented. Nonetheless, the national television station continued to expand its service. Twelve independent television stations also continued to operate.

Equal access to the state media remained a contentious issue between the Government and the major opposition.

There were reports of police harassment of the media. In August, cameramen filming police operations in a community near Georgetown had their tapes confiscated, and, in one case, a camera was destroyed when the reporter resisted surrender of the tape. One tape was later returned, but the footage had been erased. One of the television stations involved decided to pursue

legal action in the case. The television station and the police have reached amicable settlement; the police have undertaken to repair the damaged camera and as a consequence the legal action has been dropped.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government recognizes religious groups of all faiths present; however, churches were required to register with the Government to be formally recognized. Religious groups seeking to establish operations require permission from the Ministry of Home Affairs before commencing their activities.

Groups seeking access to the interior are required to obtain special permission from the Ministries of Home Affairs and Amerindian Affairs. The Ministries review the scope of activities submitted by the religious body and grant approval on a case-by-case basis.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Travel to Amerindian areas required government permission, the result of a law dating from colonial times designed to protect indigenous people from exploitation. However, in practice, most persons traveled throughout these areas without regard to the formality of a permit.

The Constitution prohibits forced exile, and it was not used.

The country was not party to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but did not routinely grant refugee status or asylum. There were no requests for refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. Legal challenges continued to impede efforts by the Ministry of Home Affairs and the Cuban Government to force repatriation to Cuba of a Cuban national married to a Guyanese citizen.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There is a multiparty political system based on proportional representation. Voters elect 25 of the 65 deputies from regional constituencies; the remaining 40 seats are filled proportionally from national slates of nominees chosen by the parties from different sectors of society. Any citizen 18 years or older may register to vote. Citizens are free to join or support political parties of their choice. Since the party in power controls Parliament, the legislature typically provides only a limited check on the executive's power.

Voters indirectly elect the President to a 5-year term of office. A party's presidential candidate must be announced in advance of the election. The party that wins the most votes for Parliament wins the presidency. The President appoints a cabinet and a prime minister who, with the President, exercise executive power.

In March 2001, citizens voted in a generally free and fair election to keep the PPP/C in office, defeating the Peoples National Congress/Reform (PNC/R) party. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. The opposition called for the courts to declare the election unconstitutional and illegal, which briefly delayed Jagdeo's swearing-in. An audit of the 2001 election led by the Institute for Democracy and Electoral Assistance, an intergovernmental organization, found that, despite several procedural errors and system failures, there was no evidence of a conspiracy or corruption to manipulate election systems or the election results, as the opposition alleged.

Society is racially divided, and the political party structure reflected the polarization of the main ethnic groups. The two major parties (the PPP/C and the PNC/R) were formed largely by Indo-Guyanese and Afro-Guyanese, respectively. Indo-Guyanese voters were a majority, which has allowed the PPP/C to retain power since 1992.

In April, a task force to reform the local government system completed its work, although Parliament had not yet passed the associated legislation. The task force has not reconvened due to disputes between the two major political parties. Local government elections have been delayed pending the completion of the reform, and were 7 years overdue.

There was a widespread public perception of corruption in the Government, including the police (see Section 1.d.). Corruption scandals involving duty-free concessions to returning migrants and the export of dolphins attracted considerable attention.

The law did not provide for public access to government information. Government officials were reluctant to provide public information without approval from senior levels of the administration.

There were no legal impediments to the participation of women or minorities in the political process. The Constitution requires that one-third of the parliamentary candidates be female. There were 19 women in the 65-seat Parliament and 3 women in the 20-member Cabinet. The Chancellor of the Judiciary was a woman. There were four Amerindians in the Parliament and one Amerindian in the Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, and holding conferences and workshops on social issues. Government officials were cooperative but poorly responsive to recommendations made by independent human rights groups. The GHRA was the most active local human rights group and issued periodic press releases. Trade unions, professional organizations, various ethnic groups, and churches participated in the GHRA. Members of the Government openly discussed human rights issues and made public statements in response to foreign and local human rights reports.

The Constitutional Reform Commission mandated a Human Rights Commission (HRC) to be comprised of a Chairperson and the four chairpersons of the Women's, Children's, Indigenous, and Ethnic Relations commissions. By year's end, only the Ethnic Relations Commission had been activated, preventing establishment of the HRC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides fundamental rights for all persons regardless of race, sex, religion, or national origin; however, the Government did not always enforce these provisions.

Women

Violence against women, including domestic violence, was widespread and crossed racial and socio-economic lines. The Domestic Violence Act defines and criminalizes domestic violence and gives women the right to seek prompt protection. Magistrates may issue interim protection orders when a victim of abuse, a police officer, or a social worker completes an application for protection. A magistrate then evaluates the case and decides whether to replace interim orders with permanent orders. The Act allows victims to seek protection, occupation, or tenancy orders. Protection orders prohibited abusers from being anywhere that the applicant lives, works, visits, or attends school. If protection orders were violated, the abuser could be fined up to \$54 (G\$10,000) and imprisoned for up to 12 months; however, this legislation frequently was not enforced. The NGO Help and Shelter (H&S) noted that training had improved implementation of the Act, but not all police officers fully understood its provisions. Occupation orders allowed the victim and any children to remain in a home previously shared with an abuser, while the abuser must leave. Similarly, tenancy orders required an abuser to leave a rented dwelling and to continue to pay some or all of the rent.

Between January and September, H&S handled 224 cases of abuse, including child, spousal, nonspousal, and other domestic abuse; 188 of the cases involved spousal abuse directed against women. Only five cases resulted in prosecutions.

NGOs provided training to police officers, teachers, nurses, agricultural workers, religious groups, and health clinics to sensitize them to domestic violence. Police who had not undergone training continued to treat domestic violence as a private matter. H&S operated a hotline to counsel victims.

Although rape was illegal, it was a serious but infrequently reported or prosecuted problem. While increasing numbers of victims reported these crimes to the authorities, victims were still socially stigmatized.

Prostitution is illegal, but it did occur, and it received greater public attention due to the high incidence of HIV/AIDS among prostitutes and increased attention to trafficking in persons.

The Constitution prohibits discrimination based on gender; however, there was no legal protection against sexual harassment in the workplace. Officials of the Women's Leadership Institute (WLI), a collaborative effort between the Government and the UNDP, asserted that sexual harassment was a significant problem. WLI has reported that while the problem is widespread, victims are reluctant to make official reports, fearing the associated stigma and lack of confidence of the legal system to deliver

justice even after long and frustrating delays.

Although women constituted a significant proportion of the workforce, there were credible reports that they did not enjoy equal treatment and faced disadvantages in promotion. The law prohibits dismissal on the grounds of pregnancy, and dismissal on such grounds did not occur in practice. The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The WLI sought through education and training to facilitate greater participation by women in government and the private sector. In March, the WLI began an 18-month collaboration with the Canadian/Caribbean Gender Equality Program. WLI has reported that they are half way through the training. So far three Train the Trainers workshops and four capacity building workshops have been completed. The institute is currently in the process of conducting mobile workshop training at the grassroots level. It is expected that the entire program of training will be completed by July/August 2005.

The law protects women's property rights in common-law marriages and entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had been a housewife. Divorce by mutual consent remained illegal. The courts may overturn a husband's will in the event that it does not provide for his wife, so long as she was dependent on him for financial support.

Children

Children (accounting for one-third of the country's population) were affected more severely by poverty than any other group. Public education was available to age 20; education was compulsory up to age 16 and was universal and free through secondary school. Parents had the option to send their children to private schools at their own expense. Children often did not attend school because their families needed them to contribute to the household by working or providing childcare for siblings or younger relatives (see Section 6.d.). Primary school attendance was 87 percent, although only 50 percent of the children completed secondary education. The severe deterioration of the public education and health care systems limited children's future prospects. The public health system was inadequate, and private health care was unaffordable for many children.

There was continued concern over the effects of domestic violence on children. It was unclear how many deaths from child abuse took place; law enforcement officials believed that the vast majority of criminal child abuse cases were unreported. Reports of physical and sexual abuse of children were common. The Probation and Welfare Department reported 106 cases of child abuse through August.

In December, the age of consent was raised from 13 to 16.

The age of consent issue was highlighted in June by a case involving Reeaz Khan, a prominent businessman who was having sexual relations with a 13-year-old girl. When the mother discovered the relationship, she pressed charges. According to news accounts, Mr. Khan then kidnapped the girl. After the child was rescued, a judge sent her to a juvenile prison, due to the lack of a suitable alternative protective institution, and Khan was charged with abduction. Media reports of rape and incest further indicated that violence against children was a significant problem. The Domestic Violence Act allows police officers or social workers to file an application on behalf of an abused child, but there was a lack of social services or trained experts to assist children fleeing sexual, physical, or emotional abuse.

The Government reiterated its position that corporal punishment is acceptable. Corporal punishment was permitted in schools and homes; however, in schools, it must be administered by or in the presence of the principal. Data on the number of corporal punishment cases were unavailable. The Ministry of Education abandoned a program intended to phase out corporal punishment in schools.

There were reports of child prostitution (see Section 5, Trafficking).

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to and within the country.

In December an anti-trafficking bill was voted into law. The Government used laws that prohibit underage sex, prostitution, and kidnapping to address human trafficking issues.

The maximum penalty for forcible abduction for prostitution is 14 years' imprisonment. The maximum penalty for owning or operating a premise where sex with a girl under the age of 15 is permitted is life imprisonment.

Responsibility for trafficking issues falls under several agencies and government officials. President Jagdeo designated Minister Bibi Shaddick of the Ministry of Labor, Human Services, and Social Security to address human trafficking. Deputy Commissioner Henry Greene of the GPF monitors enforcement. Since February, the Government has acted to combat human trafficking, resulting in the arrest of at least 10 persons whose cases remained pending at year's end.

The country was a source and destination for trafficked women and children, although most trafficking in persons occurred internally. Trafficking reportedly took place in the interior, where government oversight was light and law enforcement was lacking. In 2003, the latest year for which figures were available, there were an estimated 100 cases of trafficking, the majority of which involved underage prostitution, with victims recruited from coastal or Amerindian communities to work as sex workers in mining areas. Reports indicated that trafficking victims were lured into mining camps with promised employment as highly paid domestic helpers, cooks, restaurant servers, and nude dancers. Trafficking victims from Brazil were reportedly flown into mining camps on private flights. They were provided barracks-style housing with cramped quarters, and sometimes kept under lock and key. They were restrained through debt-bondage, intimidation, and physical abuse. Most victims were exposed to the same health risks as prostitutes and other sex workers, including sexually transmitted diseases such as HIV/AIDS.

Most traffickers were believed to be individual businessmen or small groups of miners. There was no evidence that government officials or institutions participated in, facilitated, or condoned human trafficking. Since February, government officials have taken a public stance against human trafficking as well as significant action to eliminate its practice. Although police corruption continued, there were no reports of any cases of police corruption linked to human trafficking. The Government did not condone trafficking-related practices.

Organizations such as the GHRA, Red Thread, and H&S organized to provide assistance to trafficking victims. H&S received funding from the Government as part of a broader commitment to assist trafficking victims.

There were no reports that human trafficking victims were subjected to any punishment. Victims identified by the Government have been removed from the traffickers' custody and provided passage back to their homes. There were no reports of societal discrimination against trafficking victims.

The Government undertook a national public awareness campaign to educate potential victims about the dangers of trafficking in persons. Government ministers travelled throughout the country to promote public awareness of trafficking in remote communities. In July, television stations began broadcasting anti-trafficking public service announcements distributed by the Government. In October, the International Organization for Migration, in collaboration with the Inter-American Commission of Women, conducted human trafficking training as part of the Government's outreach program.

Persons with Disabilities

There is no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities made it very difficult for persons with disabilities to be employed outside their homes. A National Commission on Disabilities worked during the year to develop new legislation covering persons with disabilities, as well as serving as a coordinating center for other groups. Some independent organizations dealing with specific disabilities existed, such as a society for the visually impaired. The Open Door Center offered assistance and training to persons with disabilities and functioned throughout the year.

National/Racial/Ethnic Minorities

Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial grouping of social and political organizations polarized society along ethnic lines, and discrimination and exclusion continued to occur. Members of both the largely Indo-Guyanese PPP/C and the largely Afro-Guyanese PNC/R engaged in rhetorical and propaganda attacks that fueled racial tensions.

The civil service and security forces continued to be overwhelmingly staffed by Afro-Guyanese. Recruitment for the uniformed services operated on an open basis, with no preference or special effort to attract applicants from any particular group. Most qualified Indo-Guyanese candidates opted for a business or professional career rather than apply for a career in the military, police, or public service.

Indigenous People

The Amerindian population, which consists of nine tribal groups, constituted an estimated 8 percent of the population. Most lived in reservations and villages in remote parts of the interior. Their standard of living was much lower than that of most citizens, and their ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources was limited. Access to education and health care in Amerindian communities was limited.

Amerindian life is regulated by the Amerindian Act, legislation dating from colonial times designed to protect indigenous people from exploitation. Under the Act, the Government may determine who is an Amerindian and what constitutes an Amerindian community, appoint Amerindian leaders, and annul decisions made by Amerindian councils. It also prohibits the sale of alcohol to Amerindians and requires government permission before any Amerindian may accept formal employment, but these provisions were not enforced. Both Amerindian individuals and groups remained free to criticize the Government. Progress continued on a revision of the Amerindian Act. The Cabinet considered recommendations from a series of consultations with Amerindian communities during the year. Regional consultations and consultations with political parties remained to be carried out before a proposal could be presented to Parliament.

For the Amerindian population, the question of land rights was a major issue. The Government held title to almost all the country's land and was free to act without consultation. The law provides Amerindians with limited land rights, and legal titles may be taken away in at least five ways. In addition, Amerindians complained that the Government allocated land (to mining and logging interests as well as for environmentally protected reserves) without proper consultations with the communities. The Amerindian communities often viewed these allocations as illegitimate seizure of "their" lands and complained that consultations on development in the interior did not provide adequate time for feedback.

The Government continued to maintain that it was committed to demarcating traditionally Amerindian lands; however, the process lacked transparency and continued to be a source of contention. Although the demarcation process moved forward during the year, progress was slow. In February, the Government made two substantial land grants to Amerindian communities.

Other Societal Abuses and Discrimination

Persons living with HIV/AIDS encountered societal discrimination, including derogatory comments, the refusal of some mini-bus drivers to pick them up, and other types of stigma-related discrimination. There were reports of employers releasing HIV-positive employees, as well as denying employment on the basis of a person's HIV-positive status, but there was no evidence of official discrimination against persons with HIV/AIDS.

A recent poll of unemployed out-of-school youth conducted by the Ministry of Health indicated that 51 percent of respondents reported having known someone with HIV/AIDS (30 percent had a close relative with HIV/AIDS). When asked whether or not a HIV-positive person should be allowed to teach, only 34 percent thought they should be allowed to do so, and nearly 30 percent believed that those living HIV/AIDS should be quarantined.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions, and workers exercised this right in practice. However, the Constitution also specifically bars GPF members from unionizing or associating with any other established union. Approximately 32 percent of the work force was unionized.

There is no law prohibiting anti-union discrimination by employers. Although not always in harmony with specific unions, the country's socialist history continued to ensure that the Government maintained a generally pro-union stance.

b. The Right to Organize and Bargain Collectively

Public and private sector employees possessed and utilized the right to organize and to bargain collectively. The Ministry of Labor certified all collective bargaining agreements, and there have never been reports that it refused to do so. Individual unions directly negotiate collective bargaining status. The Chief Labor Officer and the staff of the Ministry of Labor provided consultation, enforcement, and conciliation services.

The Constitution provides workers with the right to strike, and workers exercised this right in practice. Strikes may be declared illegal if the union leadership did not approve them or if they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place, but they are required to engage in compulsory arbitration to bring an end to a strike. There was no law prohibiting retaliation against strikers, but this principle was always included in the terms of resumption after a strike. The Trade Unions Recognition Law defines and places limits on the retaliatory actions employers may take against strikers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The Factories Act and the Employment of Young Persons and Children Act set minimum age requirements for employment of children; however, child labor in the informal sector was a problem, and it was common to see very young children engaged in street trading in the capital. Legally, no person under age 14 may be employed in any industrial undertaking, and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family are employed. According to UNICEF, between 1999-2001, 19 percent of children between the ages of 5 and 14 were involved in labor activities.

While the Ministry of Labor recognized that child labor existed in the informal sector, it did not employ sufficient inspectors to enforce existing laws effectively. The practice of teenage prostitution was a problem (see Section 5).

e. Acceptable Conditions of Work

The Labor Act and the Wages Councils Act allow the Labor Minister to set minimum wages for various categories of private employers, but there was no legislated multi-sector minimum wage. A civil service arbitration ruling in 1999 established a minimum public sector wage, which has since been increased periodically by unilateral government action to \$109 (G\$22,099) per month. Although enforcement mechanisms existed, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal private sector, often were paid less than what was required legally in the service sector. Laborers and untrained teachers at public schools also were paid less than the minimum wage. The legal minimum wage for the public sector did not provide a decent standard of living for a worker and family.

The Shops Act and the Factories Act set hours of employment, which vary by industry and sector. In general, work in excess of an 8-hour day, regardless of hours worked in the week, or a 44-hour week required an overtime payment rate. The law does not require a minimum weekly rest period.

The Factories Act also establishes workplace safety and health standards. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. As with its other responsibilities, inadequate resources prevented the Ministry from effectively carrying out this function. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.